STATE OF IOWA
BEFORE THE PUBLIC EMPLOYMENT RELATIONS BOARD

IN THE MATTER OF:	)	
	)	
MARSHALL COUNTY,	)	
Public Employer,	)	
	)	
and	)	Case No. 5229
	)	
AFSCME/IOWA COUNCIL 61,	)	
Petitioner.	)	

PROPOSED DECISION AND ORDER

This a proceeding for bargaining unit determination maintained pursuant to a combined unit determination/representative certification petition filed with the Public Employment Relations Board (PERB or Board) by the American Federation of State, County & Municipal Employees/Iowa Council 61 (AFSCME) under section 13 and 14 of the Public Employment Relations Act (PERA or Act), Iowa Code ch. 20. AFSCME's petition seeks a PERB determination that a bargaining unit composed of all full-time and part-time professional and nonprofessional employees of Marshall County (the County) employed in the Marshall County Attorney's Office is appropriate for purposes of collective bargaining under the Act.

The parties were unable to reach agreement upon the precise composition of an appropriate unit, and consequently a hearing was scheduled and conducted before me on April 20, 1995, at the Marshall County Courthouse, Marshalltown, Iowa, at which testimony and other evidence relating to an appropriate unit composition was received. AFSCME was represented at hearing by Michael Campbell and the County by John Veldey. Both parties subsequently submitted briefs in support of their respective positions.

FINDINGS OF FACT

AFSCME is an employee organization within the meaning of section 20.3(4).[1] The County is a public employer within the meaning of section 20.3(11).[2]

James DeTaeye was elected Marshall County Attorney in November, 1994, and assumed office on January 3, 1995. Pursuant to sections 331.757 and 331.903, the County employs individuals in the job classifications of assistant county attorney and legal secretary to assist the county attorney in the performance of his office's functions. There is no evidence that employees in these classifications are employed by the County in any other department, division or office.

As of the date of hearing, the county attorney's office was staffed by DeTaeye and seven full-time employees--a first assistant county attorney, three assistant county attorneys, a secretarial/clerical who serves as office manager and personal secretary to DeTaeye and the first assistant, and two additional employees, classified as legal secretaries.[3]

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[1]This and all subsequent statutory citations are to the Code of Iowa (1993).

[2]Three separate units of County employees are presently represented for purposes of collective bargaining under the Act. These units are all departmentally organized and defined--one consisting of certain employees of the County's secondary road department, another of deputies, dispatchers, matrons and jailers in the sheriff's department, the third of office clerical personnel in the sheriff's department.

[3]One of the three assistant county attorneys had tendered his resignation, effective May 5, 1995, prior to the date of hearing, and it had been determined that the vacated position would not be filled. Consequently, the unit status of only two assistant county

On the date of hearing the office was also staffed by a part-time employee (classified as a legal secretary) whose position had been eliminated effective May 6, 1995. The County also enjoys the part-time services of two additional attorneys who, although not subject to the county attorney's control, are at times referred to as Assistant Marshall County Attorneys. The parties agree that these attorneys are not in fact employees of the County and are not appropriately included in any bargaining unit of County employees.[4]

All employees in the county attorney's office are involved in the performance of the office's statutory functions specified in section 331.756. Generally, the office serves as the local criminal prosecuting authority and as legal counsel for the County's various officials, boards, commissions and departments. Approximately two-thirds of the office's total time and energy is devoted to its criminal prosecution function, the remainder to various civil matters in which the County has an interest.

In performing its criminal function the office prosecutes juvenile offenses as well as cases involving simple misdemeanors and indictable offenses (both misdemeanors and felonies) committed by adults. Each class of prosecution is the primary focus of one or more attorney. As a rule, DeTaeye and the first assistant

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attorneys is presently affected by the instant determination.

[4]Both of these attorneys provide services to a number of counties in addition to Marshall. One is a specialized federal drug task force prosecutor who is initially paid by the counties receiving services, which are subsequently reimbursed by federal funds. The other is a state employee providing multi-county child support recovery services.

county attorney personally handle the prosecution of felony cases. The criminal caseload of one assistant (two, prior to the aforementioned resignation) is comprised of indictable misdemeanors, while the other assistant has been delegated the juvenile docket, as well as the responsibility for handling "overflow" from the increasing number of cases on the indictable misdemeanor docket. The responsibility for prosecution of simple misdemeanors is rotated monthly between the assistant county attorneys.

The office manager and legal secretaries, too, are assigned areas of concentration, although some duties have certainly been reallocated since the date of hearing due to the then-imminent elimination of the part-time legal secretary position. As of the date of hearing, the office manager performed that function and also served as the personal secretary to DeTaeye and the first assistant.

One full-time legal secretary provided primary clerical support for the indictable misdemeanor prosecutions, while the other provided primary clerical support for the office's various juvenile court functions, as well as handling internal office filing for all the employed attorneys. The part-time legal secretary provided the primary clerical support associated with the simple misdemeanor docket as well as clerical tasks for the drug task force prosecutor, and was responsible for the ordering and collection of police reports for all the office's attorneys.

Due to this established division of duties and responsibilities within the office, each attorney works most frequently, although certainly not exclusively, with a specific legal secretary. The two, in what the County has characterized as a team effort, work to accomplish whatever is deemed necessary to effectively resolve each case within their area of assignment.

Although DeTaeye, as the elected official, is ultimately responsible for all the office's activities, he has invested the assistant county attorneys with the authority to handle their assigned cases from their initial stage to conclusion, without direct supervision from either him or the first assistant county attorney.

Due in part to procedural similarities which each case shares with others in same class, much of the work of the legal secretary working with that class of case is routine. Each case, however, deals with a separate occurrence and a specific criminal defendant, and may require the filing of motions or resistances, the taking of depositions, hearings, or other activities which are not required by all other cases of the same class. The assistant county attorney assigned to a particular case works with the legal secretary to see that what needs to be done is done. The assistant county attorney exercises his or her professional judgment in determining what is required, then works with the legal secretary, providing direction as needed, to produce the necessary product. It appears that often such tasks involve the assistant county attorney's drafting of motions, pleadings, briefs or other

documents and the legal secretary's typing of those documents. On other occasions, however, work product used in earlier cases, such as frequently-filed motions, subpoenas, etc., may simply be altered to fit the present situation, either by the legal secretary or directly by the assistant county attorney, and the preparation of such documents is thus essentially repetitive in nature, requiring little or no direction of the legal secretary beyond an indication that a certain document is needed in a particular case. Regardless of the genesis of any particular document, however, the assistant county attorney handling the case bears responsibility for the content of the document, and may thus direct the legal secretary to make changes or corrections in the work the secretary has produced.

Although each assistant county attorney works primarily with one legal secretary, each of the assistants comes into daily contact with all of the clerical employees, and works in conjunction with each clerical at times, depending upon the current workload and the task at hand. For instance, the assistant county attorney with primary juvenile court responsibility works most often with the legal secretary assigned to the juvenile docket. However, during months when that assistant is also responsible for simple misdemeanors, he also works closely with the legal secretary assigned to that class of case, and even gives work to the office manager if she is free to type, proofread, etc.

Although working as a team with a common mission in what is essentially a small law firm environment, most of the actual functions of the assistant county attorneys differ substantially

from those of the legal secretaries. The legal secretaries primarily perform traditional secretarial/clerical duties such as word processing, filing, document collection and organization, internal filing, answering the office telephones and directing calls and receiving walk-in visitors to the office. The assistant county attorneys' work is more varied and is predominately intellectual in nature. As the local criminal prosecutors and the County's civil lawyers, their work involves a multitude of functions including, but not limited to case evaluation, trial preparation (including witness interviews, the conduct of discovery, formulation of trial themes and strategies, etc.), plea negotiations, the trial itself (to judge or jury), post-trial proceedings including sentencing, legal research, writing and client counseling.

Assistant county attorneys must, at a minimum, be licensed to practice law before the courts of the State of Iowa and must maintain such licensure in good standing. Consequently, the assistant county attorneys must possess the baccalaureate degree necessary for admission to an accredited law school and a degree from such a law school, and must have passed the Iowa Bar examination or the exam of another state to which Iowa extends reciprocity. In order to maintain the licensure thus acquired, the assistants must avoid discipline for breaches of the Iowa Code of Professional Responsibility for Lawyers and must comply with the applicable continuing legal education standard adopted by the Iowa Supreme Court. As a practical matter, the assistant county

attorneys must possess a working knowledge of all relevant statutes, rules and procedures, including the rules of evidence, criminal procedure and civil procedure.

Legal secretaries have no strict educational requirement, although the county attorney seeks clerical employees with a high school degree or a GED with work experience. They are required to possess the computer skills typically associated with the modern office environment and must be able to work well with others, including the public, and possess a good demeanor and businesslike work appearance.

Neither the legal secretaries nor the assistant county attorneys are closely supervised. Each legal secretary has standing assignments and objectives, and knows what is required to accomplish them. Although they are continually in proximity to the other clerical employees, and in contact with assistant county attorneys for various purposes, much of the legal secretaries' work is done independently. On a daily basis, the legal secretaries appear to work most directly with the assistant county attorney who is assigned to the portion of the docket to which the legal secretary is also assigned, a manifestation of the "team" concept which the office utilizes. Although no party claims that the assistant county attorneys are true supervisors within the meaning of section 20.4(2), the assistant county attorneys do serve as leadworkers of sorts in the day-to-day operation, in the sense that they check the work prepared for them by the legal secretaries, and may direct that changes be made.

In practice, the office manager is the legal secretaries' immediate supervisor, with whom they are to consult when confronted with an unusual or problematic situation or question of policy interpretation. The office manager, responsible to see that the reception desk and telephones are constantly staffed and that other office needs are met, has authority to assign legal secretaries for such purposes. Although the office manager and the county attorney jointly conducted the only performance review with a legal secretary which has occurred since DeTaeye's assumption of office, neither the county attorney nor the first assistant purport to provide any direct supervision to the legal secretaries, and would become directly involved in their supervision only under the most unusual circumstances.

The assistant county attorneys, too, work very independently, subject to only general supervision by the county attorney or first assistant. The assistant county attorneys function under general directives to perform their work, and prosecute cases from start to finish without direct supervision. Supervisory authority over the assistant county attorneys, including the assignment of civil matters, rests with the county attorney, although the first assistant may also be called upon to provide direction to the assistants. The county attorney only irregularly monitors the performance of the assistants--occasionally observing a trial or reviewing written work product--but receives feedback concerning the assistants' performance from a variety of sources including judges, other County officials and members of the private bar.

According to the written job specification for the assistant county attorney classification, the assistant may be asked for input during the county attorney or office manager's preparation of a legal secretary's performance evaluation. The most senior assistant county attorney has never been asked for input concerning a legal secretary's performance, although the comments of the other assistants were solicited prior to the only formal performance review of a legal secretary which has occurred since DeTaeye took office.

In keeping with the team concept utilized in the office, it is expected that any difficulties experienced by an assistant county attorney with a legal secretary's work will be worked out between the two, although there is no evidence that an assistant county attorney is authorized to impose discipline of any type. Only if an assistant is unable to directly resolve a perceived problem with a legal secretary would the county attorney expect to be informed or to become involved.

Both the legal secretaries and the assistant county attorneys spend most of their time in the Marshall County Courthouse, although the time spent in the County Attorney's Office itself differs substantially between the groups due the frequency and duration of the assistant county attorneys' courtroom appearances. Assistant county attorneys are also required at times to travel to locations away from the courthouse for various proceedings. The legal secretaries spend most of their time in the office itself, although one attends the daily initial court appearance of those

recently arrested and the secretaries are required at times to leave the office to file documents with the Clerk of Court, to perform courthouse errands, or to occasionally perform errands outside the courthouse.

Comparisons of many of the terms of employment of the legal secretaries and assistant county attorneys are characterized by their dissimilarity. The legal secretaries' workday is 8 a.m.-4:30 p.m., with an option of either a one-hour lunch period or a one-half hour lunch and two 15-minute breaks during the workday. The lunch periods of the clerical employees are staggered so that one is always present in the office during work hours. The legal secretaries are paid an hourly wage, plus overtime pay or compensatory time off for hours worked in excess of their normal schedule.

The assistant county attorneys are salaried employees without specifically set hours of work, and are expected to work the hours necessary to properly perform their assigned duties. They are deemed by the County to be exempt from the FLSA, and thus receive no overtime compensation or formal compensatory time off for their frequent work in excess of eight hours per day or forty hours per week.

The record does not contain either the wage range of the legal secretaries or the salary range of the assistant county attorneys, although the job specifications for the two classifications which were originally prepared for the County by outside consultants assign more "points" and a higher pay "grade" to the classification

of assistant county attorney, from which one might infer that the assistants are more highly compensated than the legal secretaries.

Like all full-time County employees, both the assistant county attorneys and legal secretaries receive individual health insurance coverage at the County's expense, vacation and sick leave benefits pegged to the employee's length of service, holidays and life/accidental death and dismemberment insurance. Both classifications participate in the IPERS retirement plan and both are eligible to participate in the County-approved deferred compensation plan. The assistant county attorneys, however, like other County employees deemed exempt from the FLSA, also receive health insurance coverage for their dependents at the County's expense.

Both the assistant county attorneys and legal secretaries are subject to the County's overall personnel policies and procedures, and no unique policies apply to the county attorney's staff, with the exception of the option offered the clerical staff concerning the length of their lunch periods.

CONCLUSIONS OF LAW

AFSCME seeks a unit composed of all full-time and part-time professional and nonprofessional employees of the County in the County Attorney's Office, except those excluded by the Act itself. No issue concerning which positions are excluded by the Act exists, for the parties have stipulated to the exclusion of the County Attorney [an elected official excluded by section 20.4(1)] the first assistant county attorney [a representative of the public

employer excluded by section 20.4(2)], the office manager [at a minimum a confidential employee as defined by section 20.3(3) and excluded by section 20.4(3)] and the multi-county drug task force and child support recovery attorneys, who are not employees of the County. AFSCME thus advocates for the establishment of a unit of the office's assistant county attorneys and legal secretaries.

The County resists AFSCME's proposed unit, advocating instead for determination of two smaller separate units--one of assistant county attorneys, the other of legal secretaries.

Sections 20.1(1) and 20.13(1) direct the Board to determine an appropriate bargaining unit upon the filing of a proper petition. Section 20.13(2) provides that in determining an appropriate unit,

> . . . the board shall take into consideration, along with other relevant factors, the principles of efficient administration of government, the existence of a community of interest among public employees, the history and extent of public employee organization, geographical location, and the recommendations of the parties involved.

Unit determinations are made on a case-by-case basis after taking all of the factors of section 20.13(2) into consideration and giving appropriate weight to those deemed most relevant under the circumstances.

The issue here is the appropriateness of including assistant county attorneys, professional employees within the meaning of section 20.3(9), in a bargaining unit with legal secretaries who do not fit within that definition. It is clear that the PERA does not preclude a determination that a combined professional-nonprofessional unit is appropriate. Indeed, section 20.13(4)

specifically contemplates such units may be appropriate, requiring only that professionals and nonprofessionals not be included in such a unit unless a majority of both agree.

Determining the appropriate unit is not a precise science, and involves giving varying weights to numerous relevant factors under varying facts of employment relationships. Des Moines Independent Community School District, 75 PERB 35 & 66. The weight applied to any one factor may clearly alter a decision concerning a unit's appropriateness. Fort Dodge Community School District, 85 PERB 2626.

In the instant case the recommendations of the parties involved are at variance, and are not controlling. Although AFSCME has stated its assumption that the dual units advocated by the County would be deemed appropriate if a combined unit is rejected, it has in no way conceded that the combined unit it seeks is anything less than appropriate.

The record reveals no history of organization or bargaining activity by the employees sought for unit inclusion by AFSCME. Neither party is aware of the existence of any other bargaining unit of County employees within which either the legal secretaries or the assistant county attorneys might be appropriately placed, and my official notice and review of the composition of the established units of County employees does nothing to suggest that either parties' proposed unit structure should be declared inappropriate in favor of such an alternative. I am mindful, however, that the scope of the union's organizing campaign, that

is, the groups of employees upon which the union has focused its organizing effort, is a component of the "extent of organization" criterion, and must be considered when weighing the various competing factors.

The geographical location criteria which section 20.13(2) requires be considered must be deemed to weigh in favor of AFSCME's proposed unit. All the employees eligible for unit inclusion are officed in proximity to one another in the Marshall County Courthouse and spend most of their working hours at a courthouse location. Although differences do exist between the legal secretaries and assistant county attorneys as far as the precise locations where their work is performed and the percentage of their time spent in the office proper, on balance the small law office character of the county attorney's operation, housed at a single geographical location, supports a combined, rather than separate units.

The County argues that there is a total absence of a community of interest between the assistant county attorneys and legal secretaries, and that this section 20.13(2) criterion should control, resulting in the establishment of separate units.

The existence of a community of interest is of necessity a fact-dependent determination in which the totality of the circumstances is examined. The analysis involves a consideration of factors such as the functions performed by the respective employee classifications, their skills, training and qualifications, the existence of common supervision, the location

of their employment and contact with other employees, their methods of compensation, hours and fringe benefits, their pursuit of a common mission and the existence/absence of common personnel policies. See, e.g., City of Des Moines, 75 PERB 21, 125 & 126; Anthon-Oto Community School District, 85 PERB 2678 (Decision on Remand).

While distinct differences clearly do exist between the actual functions performed, the skills, training and qualifications, the methods of compensation and the hours of the assistant county attorneys and legal secretaries, I do not share the County's conclusion that absolutely no community of interest exists between the classifications.

It is abundantly clear from the record that the Marshall County Attorney's Office is a busy place, probably all the more so now than at the date of hearing due to the subsequent departure of the part-time legal secretary and an assistant county attorney, both of which occurred in the midst of an expanding criminal caseload. The office utilizes a team approach toward the accomplishment of its overall mission, an approach which is not necessarily limited to one-to-one relationships between assistant county attorneys and legal secretaries. While a secretary has primary responsibility for a certain portion of the office's workload, and may thus work most closely with a single assistant with a common standing assignment, each secretary also performs work for other assistants. Even the county attorney and office manager participate in the unified effort by doing work as

necessary which is outside the scope of their standing assignments --the office manager performs tasks for assistant county attorneys as needed, as well as her usual work for the county attorney and first assistant, and the county attorney, knowing the caseloads of his assistants, at times personally handles matters in addition to his usual felony prosecutions. The county attorney, consistent with the team approach toward accomplishing the office's work, also directs others, including the first assistant, to share the "overflow" from the growing indictable misdemeanor docket.

The employees eligible for unit inclusion are in regular and frequent contact with one another at the work place. All are based physically at the courthouse although the assistant county attorneys, like lawyers in both public service and private practice, more frequently leave the office than do the secretaries due to their courtroom appearances.

The fringe benefits enjoyed by the two classifications are markedly similar, the only difference of record being the assistant county attorneys' receipt of dependent health insurance coverage not provided by the County to the legal secretaries. Similarly, both classifications are covered by the same County personnel policies.

Although conceding that the assistant county attorneys are not "supervisory employees" within the meaning of section 20.4(2), the County maintains, in part, that no community of interest exists between them and the legal secretaries because the assistants "perform daily supervisory duties" with respect to the secretaries.

Not true supervisory duties, however. It is true that the assistants do provide the legal secretaries with work to be performed, and check documents prepared for them by the secretaries carefully. It also appears that the assistants are expected to attempt to resolve secretarial performance problems initially, and that they may be asked to provide the county attorney with input concerning secretarial performance. These tasks are entirely consistent with a view of the assistants as leadpersons--a concept specifically recognized in their written job specifications.

The County has cited no authority which supports its apparent position that one class of employees' possession of leadperson status negates any community of interest which they might otherwise share with other classes of employees. Such would be a strange rule indeed in view of the frequency with which leadperson are included in units with employees over which they exercise some degree of routine authority.

While a stronger community of interest between groups of public employees certainly could be imagined, the small law office environment in which the assistant county attorneys and legal secretaries work and the team concept which is utilized in the office to accomplish a common mission do produce a community of interest among the bargaining-eligible employees.

Notwithstanding the relative strength or weakness of this community of interest, however, under the circumstances of this case I believe the "efficient administration of government" criterion of section 20.13(2) is entitled to the greatest weight.

As to this criterion, PERB has long recognized that:

> Normally it is most efficient to designate as small a number of units as possible consistent with employees' rights to form organizations of their own choosing. However, where the diversity of the employees' community of interest is so great, as to inhibit meaningful and effective representation, a larger number of units may be necessary. Additionally, the inefficiency imposed by the creation of several units may outweigh community of interest or other section 13.2 criteria. Accordingly, the number of bargaining units must be balanced against all of the section 13.2 considerations.

Fort Dodge Community School District, 85 PERB 2626. Clearly, this criterion militates in favor of the AFSCME-advanced alternative of a combined professional-nonprofessional unit, rather than the separate units advanced by the County.

This is all the more so when one takes into account the small number of employees within the office who are eligible for unit inclusion (two assistant county attorneys and two legal secretaries). The supreme court has recognized size as one of the section 20.13(2) "other relevant factors" which may logically be considered. Anthon-Oto Community School District v. PERB, 404 N.W.2d 140, 144 (Iowa 1987). In that case the Board had included 14 nonprofessionals in a unit with 35 professionals with very dissimilar functions, skills, training and qualifications, due in large part to the small size of the bargaining-eligible work force and the resulting concern that meaningful bargaining might be difficult to achieve for a separate unit of 14 nonprofessionals. See Anthon-Oto Community School District, 85 PERB 2678 (Decision on Appeal). The size consideration present in Anthon-Oto Community School District is at least equally relevant here, if not more so.

The County argues that the efficient administration of government would actually be undermined by a combined unit due to the assistant county attorneys' provision of information to the county attorney concerning the legal secretaries' performance, the acquisition of which might be compromised by the existence of a combined unit. Although the county attorney has asked for assistants' comments concerning a legal secretary's performance prior to the secretary's performance review, it is clear that providing such input is not a major responsibility of the assistants,[5] and there is no evidence that such input, even if received from an assistant, is by itself a significant factor in any employment decision affecting a legal secretary.

As previously noted, the County concedes that the assistants are not supervisors within the meaning of section 20.4(2). At most they are leadpersons vis-a-vis the legal secretaries. There is no evidence that the inclusion of leadpersons in a unit renders them incapable of accurately observing and commenting upon the work performance of other unit members, if they are required by the employer to do so. Where the record, as here, does not even establish that such comment has been required by the employer, much less that it has been the basis for any employment action without the county attorney's *de novo* review, the mere specter of the loss of such information to the employer does not shift the balance on the "efficient administration of government" criterion.

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[5]One of the assistants from which the county attorney sought input on the secretary's performance simply did not provide any, apparently without reproach or consequence.

I conclude that the facts in this case demonstrate that AFSCME's proposal of a four-person combined professional-nonprofessional unit of assistant county attorneys and legal secretaries constitutes an appropriate unit within the meaning of section 20.13(2). While I conclude that these employees do share a community of interest, my conclusion is also based upon the "geographical location" and "efficient administration of government" criteria, most significantly the latter, taking into account the small size of all of the proposed units.

Although I conclude that the assistant county attorneys and legal secretaries could be appropriately included within a single unit under the circumstances, section 20.13(4) provides that such inclusion take place only when a majority of both the professional and nonprofessional employees agree. Consequently, I propose entry of the following:

ORDER

Pursuant to PERB subrule 621-4.2(5), an election shall be conducted among the professional and nonprofessional employees in the following bargaining unit of employees of Marshall County, Iowa, at a time and place to be determined by the Board.

INCLUDED: Assistant county attorneys and legal secretaries.

EXCLUDED: County attorney, first assistant county attorney, office manager, multi-county drug task force attorney, multi-county child support recovery attorney and all others excluded by Iowa Code section 20.4.

The purpose of such election shall be solely to determine whether both the assistant county attorneys and legal secretaries

wish to be represented in a single bargaining unit, or in separate units. Eligible to vote are all employees in the above-described combined unit who were employed during the payroll period immediately preceding the date below and who are also employed in the bargaining unit on the date of election.

The County shall submit to the Board, within seven days, an alphabetical list of the names, addresses and job classifications of all eligible voters in the unit described above.

Following the conduct of the aforementioned subrule 621-4.2(5) election, a subsequent order shall issue directing that a representation election or elections, as the case may be, be conducted. Should the professional and nonprofessional employees not agree to inclusion in a single unit as contemplated by section 20.13(4), separate representation elections shall be directed, contingent upon AFSCME's presentation of a sufficient showing of interest as to each unit, in the following bargaining units:

PROFESSIONAL UNIT

INCLUDED: Assistant county attorneys.

EXCLUDED: County attorney, first assistant county attorney, office manager, multi-county drug task force attorney, multi-county child support recovery attorney, legal secretaries and all others excluded by Iowa Code section 20.4.

NONPROFESSIONAL UNIT

INCLUDED: Legal secretaries.

EXCLUDED: County attorney, first assistant county attorney, assistant county attorneys, office manager, multi-county drug task force attorney, multi-county child support recovery attorney and all others excluded by Iowa Code section 20.4.

Should the professional and nonprofessional employees agree to inclusion in a single unit as contemplated by section 20.13(4), a single representation election will be directed, contingent upon AFSCME's presentation of a sufficient showing of interest, in the previously-described unit.

DATED at Des Moines, Iowa this 21st day of July, 1995.

Jan V. Berry,
Administrative Law Judge